

Message Text

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ACTION EB-07

INFO OCT-01 ARA-10 IO-13 ISO-00 AGR-10 SS-15 SP-02

L-03 H-02 NSC-05 CIAE-00 DODE-00 INR-07 NSAE-00

PA-02 USIA-15 PRS-01 TRSE-00 STR-04 HEW-06 AID-05

IGA-02 OMB-01 ITC-01 /112 W

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 4218

INFO USDOC WASHDC

AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY MEXICO

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

AMEMBASSY PANAMA

USMISSION GENEVA

UNCLAS SAN SALVADOR 2095

GENEVA FOR USDEL MTN

C O R R E C T E D C O P Y FOR PARA THREE GARBLED THRU OUT

E.O. 11652. N/A

TAGS: MTN, BEXP, ES

SUBJECT: GOES REGULATIONS ON PROCESSED FOOD AND BEVERAGE IMPORTS

1. SUMMARY. LOCAL REPRESENTATIVES OF U.S. EXPORTERS OF PROCESSED FOOD AND BEVERAGES HAVE BROUGHT TO EMBASSY ATTENTION POTENTIAL RESTRICTIVE EFFECT OF NEW GOES REGULATIONS REGARDING IMPORTED FOOD AND BEVERAGES. NEW REGULATIONS REQUIRE IMPORTER TO PROVIDE CERTIFICATE OF PURITY AND FREE MARKETABILITY OF FOOD AND BEVERAGE IMPORTS AND ALSO REQUIRE LOCAL LABORATORY ANALYSIS FOR PRODUCTS IMPORTED FROM OTHER THAN CENTRAL AMERICAN COUNTRIES AND UNCLASSIFIED

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PANAMA. ONEROUS DOCUMENTATION REQUIREMENTS AND DISCRIMINATION AGAINST COUNTRIES OUTSIDE OF CENTRAL AMERICA MAY WELL ADVERSELY AFFECT U.S. EXPORTS TO THIS MARKET. EMBASSY REQUESTS INFORMATION ON STANDARDS WHICH FOODS AND BEVERAGES EXPORTED FROM U.S. MUST MEET AND GUIDANCE ON FURTHER REPRESENTATIONS TO GOES.

2. DURING Q AND A PERIOD OF AMBASSADOR'S FIRST QUARTERLY MEETING WITH RESIDENT AGENTS, DISTRIBUTORS AND LICENSES OF U.S. FIRMS IN EMBASSY AUDITORIUM MARCH 31, 1977, LOCAL REPRESENTATIVES ATTENDING BROUGHT UP ISSUE OF NEW GOES REGULATIONS TO BE IMPLEMENTED BY FOOD HYGIENE SERVICE, DIVISION OF ENVIRONMENTAL PROTECTION, MINISTRY OF PUBLIC HEALTH AND SOCIAL ASSISTANCE (COPY OF REGULATIONS WITH UNOFFICIAL TRANSLATION BEING FORWARDED BY POUCH). ACCORDING TO REPRESENTATIVES NEW REGULATIONS, TO BECOME EFFECTIVE APRIL 1, 1977, OSTENSIBLY DEvised TO IMPLEMENT CONSUMER PROTECTION PROVISIONS OF SALVADORAN SANITARY CODE OF 1930 WHICH, WHILE ON BOOKS FOR YEARS, HAVE NEVER BEEN ENFORCED. EVEN THOUGH APPARENT INTENT OF REGULATIONS, WHICH AFFECT DOMESTIC PRODUCTION AND EXPORTS AS WELL AS IMPORTS, IS TO ENHANCE CONSUMER PROTECTION, EFFECT ON IMPORTS FROM OUTSIDE CENTRAL AMERICAN COMMON MARKET (CACM) AND PANAMA IS RESTRICTIVE IN TERMS OF ONEROUS DOCUMENTATION, SAMPLES REQUIRED FOR LABORATORY ANALYSES, ETC.

3. REPRESENTATIVE EXPLAINED FURTHER THAT CENTRAL AMERICAN COMMON MARKET (CACM) COUNTRIES AND PANAMA EXEMPT FROM MOST ONEROUS REQUIREMENTS DUE MULTILATERAL AND (IN PANAMA) BILATERAL TREATIES WHICH PROVIDE THAT CERTIFICATES OF PURITY AND FREE MARKETING ISSUED IN CACM COUNTRY OR PANAMA, AS COUNTRY OF ORIGIN, ARE ACCEPTED AT FACE VALUE IN EL SALVADOR. THUS, A CERTIFICATE FROM THE GOVERNMENT OF HONDURAS' CERTIFYING THAT A PRODUCT IS SUITABLE FOR HUMAN CONSUMPTION AND THAT IT IS FREELY MARKETED IN HONDURAS IS ACCEPTED AS VALID PER SE, WHEREAS SIMILAR CERTIFICATE FROM U.S. FOOD AND DRUG ADMINISTRATION, (WHILE REQUIRED TO BE SUBMITTED) MUST

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BE VALIDATED BY OFFICE OF FOOD HYGIENE SERVICES THROUGH LABORATORY ANALYSIS OF SAMPLES.

4. LOCAL REPRESENTATIVE WARNED THAT WHILE LARGE U.S. SUPPLIERS WOULD PROBABLY GO TO EXPENSE OF MEETING REQUIREMENTS IN FULL, SMALL SUPPLIERS AND BROKERS OF PROCESSED FOODS AND BEVERAGES NOT LIKELY TO JUSTIFY ADDITIONAL EXPENSE. MOREOVER, SALVADORAN ENTITY IN CHARGE PROCESSING VOLUMINOUS PAPERWORK NOT ADEQUATELY STAFFED TO HANDLE LOAD. CONSEQUENTLY OFFICE OF FOOD AND HYGIENE SERVICES ALREADY INUNDATED WITH UNPROCESSED APPLICATIONS. FINALLY, REPRESENTATIVE ASKED COMATT TO SIT IN ON MEETING BETWEEN DIRECTOR OF OFFICE OF FOOD HYGIENE SERVICES, ING. CARLOS RAFAEL RAMIREZ P. AND COMMITTEE OF SALVADORAN PROCESSED FOOD AND BEVERAGE REPRESENTATIVES TO BE HELD FOLLOWING DAY.

5. AT MEETING WITH ING. RAMIREZ COMMITTEE OF REPRESENTATIVES OF PROCESSED FOOD AND BEVERAGE IMPORTERS REQUESTED THAT IMPLEMENTATION OF REGULATIONS BE POSTPONED. ING. RAMIREZ RESPONDED THAT

IMPLEMENTATION HAD ALREADY BEEN POSTPONED 4 TIMES, BEGINNING JULY 1, 1976, AND THAT NO FURTHER DELAY WOULD BE CONSIDERED. HE ALSO INDICATED THAT NO MAJOR BACKLOG HAD YET MATERIALIZED (HOTLY DISPUTED BY REPRESENTATIVES). RAMIREZ'S ONLY CONCESSION WAS TO AGREE TO ADMINISTER PROGRAM WITH AS MUCH FLEXIBILITY AS POSSIBLE. (COMMENT: ING. RAMIREZ MADE STRONG CASE THAT REPRESENTATIVES HAD ONLY THEMSELVES TO BLAME IF ANY APPLICATIONS WERE STILL PENDING OR UNSUBMITTED).

6. HAVING GOTTEN NOWHERE WITH ING. RAMIREZ, COMMITTEE OF REPRESENTATIVES DECIDED AS A LAST REPORT TO APPEAL DIRECTLY TO THE MINISTER OF PUBLIC HEALTH AND SOCIAL ASSISTANCE, MIGUEL ANGEL AGUILAR OLIVA, THROUGH SALVADORAN CHAMBER OF COMMERCE. WHILE FAILING TO OBTAIN ANOTHER DE JURE POSTPONMENT, APPEAL TO MINISTER AGUILAR OLIVA REPORTEDLY ACCOMPLISHED FOLLOWING:
A. PROVISIONAL CERTIFICATE OF PURITY AND FREE COMMERCIALIZATION WILL BE ISSUED ON PRESENTATION OF DOCUMENTATION AND
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PAYMENT OF FEES. PERMANENT CERTIFICATE WILL THEN AWAIT SATISFACTORY COMPLETION OF LABORATORY ANALYSES, ETC.
B. IMPLEMENTATION OF NEW REGULATIONS WOULD BE DE FACTO POSTPONED UNTIL MAY 15, 1977.

7. THE EMBASSY UNDERSTANDS THAT U.S. LAW REQUIRES EXPORTS OF PROCESSED FOOD AND BEVERAGES MARKETING DOMESTICALLY. HOWEVER, WE UNABLE LOCATE REFERENCE TO SUCH LAW. IF U.S. EXPORTS OF PROCESSED FOOD AND BEVERAGES REQUIRED MEET U.S. DOMESTIC STANDARDS, EMBASSY COULD USE THIS TO ARGUE THAT U.S. PRODUCTS BE EXEMPTED FROM SAME REQUIREMENTS, NOTABLY LABORATORY ANALYSIS.

8. ACTION REQUESTED: (A) PLEASE ADVISE EMBASSY IF U.S. LAW REQUIRES EXPORT PRODUCTS TO MEET SAME STANDARDS AS IF MARKETED WITHIN U.S.; (B) IF SO, PLEASE PROVIDE COPY OF LAW OR SUMMARY; (C) FINALLY PLEASE PROVIDE ANY ADDITIONAL GUIDANCE FROM DEPARTMENT RE FURTHER REPRESENTATIONS TO GOES ON THIS MATTER.
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Message Attributes

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Disposition Approved on Date:
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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